

ORDINANCE NO. 07-69

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 2 ENTITLED "ADMINISTRATION", ARTICLE VI. CITY PROPERTY, BY ADDING A NEW SECTION, HIALEAH CODE § 2-902 ENTITLED "DISPOSAL OF CITY PROPERTY; WAIVER OF PUBLIC SALE" TO ALLOW THE CITY COUNCIL TO WAIVE THE PUBLIC SALE OF CITY PROPERTY, EXCLUDING REAL ESTATE, IF PURCHASING AGENT OR DIRECTOR OF THE FLEET DEPARTMENT CERTIFIES THAT THE CITY WILL OBTAIN A SALES PRICE FOR SUCH CITY EQUIPMENT, AUTOMOBILE, TRUCK OR OTHER CITY PROPERTY THAT IS AT LEAST 30% HIGHER THAN WHAT WOULD BE EXPECTED TO RECEIVE AS SALE PROCEEDS AT A PUBLIC AUCTION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the general purpose and intent of this ordinance is to provide proper zoning regulations in the best interest of the health, safety, welfare and aesthetics of the community and the proper administration of its government; and

**WHEREAS**, the specific purpose of this ordinance is to allow the City to obtain greater revenue from the sale and disposal of city personal property, particularly automobiles, trucks, and equipment that would normally sell at depressed prices at public auction.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** Chapter 2 entitled "Administration", Article VI. City Property, of

the Code of Ordinances of the City of Hialeah, Florida, by adding a new section, Hialeah Code § 2-902 entitled "Disposal of city property; waiver of public sale" is hereby amended to read as follows:

## **Chapter 2**

### **ADMINISTRATION**

\* \* \*

### **ARTICLE VI. EDUCATION FUND**

\* \* \*

### **ARTICLE VI~~1~~. CITY PROPERTY.**

\* \* \*

#### **Section 2-902. Disposal of city property; waiver of public sale.**

The city council may waive the requirement of a public sale for disposal of city property, excluding real estate, if the purchasing agent or the director of the fleet department certifies that the city will obtain a sales price for such city equipment, automobile, truck or other city property that is at least 30% higher than what would be expected to receive as sale proceeds at a public auction.

#### **Section 2-90~~2~~3. Insurance requirements for use of city property.**

\* \* \*

#### **Section 2: Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 3: Penalties.**

Every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

**Section 4: Inclusion in Code.**

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered to conform to the uniform numbering system of the Code.

**Section 5: Severability Clause.**

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

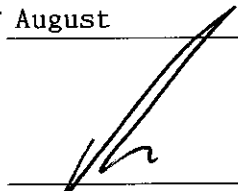
**Section 6: Effective Date.**

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the

Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

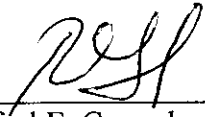
PASSED AND ADOPTED this 28<sup>th</sup> day of August, 2007.

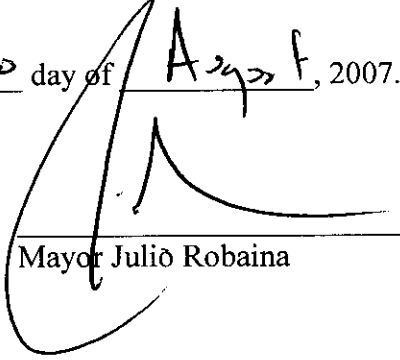
THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 166.041  
PRIOR TO FINAL READING.

  
\_\_\_\_\_  
Esteban Bovo  
Council President

Attest:

Approved on this 30 day of August, 2007.

  
\_\_\_\_\_  
Rafael E. Granado, City Clerk

  
\_\_\_\_\_  
Mayor Juliô Robaina

Approved as to form and legal sufficiency:

  
\_\_\_\_\_  
William M. Grodnick, City Attorney

~~Strikethrough~~ indicates deletion. Underline indicates addition.

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Ordinance was adopted by a unanimous vote with Councilmembers Bovo, Caragol, Casals-Muñoz, Gonzalez, Hernandez, Miel and Yedra voting "Yes".